

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *AW*
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ROLEX WATCH U.S.A., INC.,

Plaintiff,

v.

No. 01-2797 B

TOWN & COUNTRY JEWELERS, INC.,

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR CLARIFICATION

Before the Court is the motion of the Defendant, Town & Country Jewelers, Inc. ("Town & County") to clarify the injunction entered by this Court's order of September 30, 2005.

Specifically, Town & Country requests that the Court provide clarification as to paragraphs 1, 2, 3, and 4, which provide as follows:

Further, it is ordered that Defendant

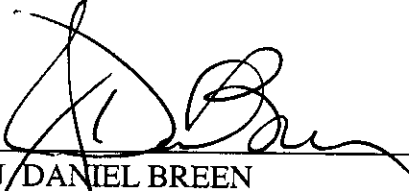
- (1) transfer to Rolex all domain names incorporating the name Rolex, including the names: rolexswiss.com, rolexswissbiz.com, rolexwatchbiz.com, and erolexswiss.com;
- (2) take all steps necessary to remove from its advertising and promotion all material offering for sale counterfeit or infringing Rolex products and all Rolex Marks or copies or colorable imitations thereof used to identify non-genuine Rolex products;
- (3) deliver to Plaintiff's attorneys, pursuant to 15 U.S.C. § 1118, all products and all documents, including but not limited to labels, signs, prints, packages, wrappers, receptacles, brochures, advertisements, and internet webpage electronic files in the possession of Defendant which violate this Order within thirty (30) days of its entry; and

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with Rule 58 and/or 79(a) FRCP on 11-16-05

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- (4) pursuant to 15 U.S.C. § 1116, file with the Court and serve on the Plaintiff within thirty (30) days after service on the Defendant of this Order, a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the injunction.

Order at 15. Town & Country seeks clarification that paragraphs 2 and 3 pertain only to counterfeit or infringing Rolex products and materials. In response, Plaintiff, Rolex Watch U.S.A., Inc. ("Rolex") argues that, because the plain language of the injunction makes clear that it applies to counterfeit and infringing Rolex products and materials used by or in the possession of Town & Country, clarification is not necessary. The Court agrees that the language of the order is clear. Accordingly, the Defendant's motion for clarification is hereby DENIED and Town & Country is directed to comply with the Court's order of September 30, 2005 as entered. **IT IS SO ORDERED** this 16th day of November, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



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Honorable J. Breen
US DISTRICT COURT